IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MRS. JUSTICE K.HEMA

WEDNESDAY, THE 24TH JANUARY 2007 / 4TH MAGHA 1928

Crl.Rev.Pet.No. 297 of 2004()

CRA.288/2001 of ADDL.SESSIONS COURT, PARAVUR
CC.648/1998 of JUDL.MAGISTRATE OF FIRST CLASS-I, ALUVA

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REVN. PETITIONER: APPELANT/ACCUSED:

K.V.JOY, S/O. VARGHESE,
KACHAPPILLY HOUSE, ANGAMALY POLICE STATION,
ALUVA TALUK, ERNAKULAM DISTRICT.

BY ADV. SRI.KODOTH SREEDHARAN
SRI.JESWIN P.VARGHESE

RESPONDENTS: RESPONDENTS/COMPLAINANT:

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1. C.P.MOHAN ROY, S/O. PURUSHOTHAMAN,
MEDAYIL HOUSE, MAIKKAD P.O., ANGAMALY SOUTH,
ALWAYE TALUK, ERNAKULAM DIST.

2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY ADV. SRI.JOSE THETTAYIL
R2 BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 24/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K. HEMA, J.

Crl.R.P. No.297 of 2004

Dated this 24th day of January, 2007.

O R D E R

Revision Petitioner is the accused in C.C.No.648 of 1998 on the file of the Judicial First Class Magistrate's Court No.1, Aluva. First respondent is the complainant therein. Revision petitioner was convicted and sentenced by the Magistrate's Court to undergo simple imprisonment for one year under Section 138 of the Negotiable Instruments Act and also directed to pay compensation of Rs.1,50,000/- to the complainant in default of payment to undergo simple imprisonment for five months under section 357(3) of the Code of Criminal Procedure. In appeal filed by him, the conviction and sentence were confirmed by the Additional Sessions Court. This revision arises from the said conviction and sentence.

2. At the time of hearing, both sides submitted that a petition as Crl.M.Appl.No.103 of 2007 is filed for compounding the offence. It is also submitted by both sides that the matter is settled out of court amicably between the parties and the amount is also paid by the petitioner to the satisfaction of the first respondent. On hearing both sides and on going through the averments in the petition, I am satisfied that this is a fit case to grant permission to compound the offence.

In the result, Revision Petitioner is acquitted of offence under section 138 of the Negotiable Instruments Act, as offence is compounded. He is set at liberty forthwith.

Crl. M.Appl.No.103 of 2007 and Revision Petition are allowed.

vgs. **K. HEMA, JUDGE.**